

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHAD MEISENHELDER,

Petitioner,

v.

WARDEN, LONDON CORRECTIONAL
INSTITUTION,

Respondent.

CASE NO. 2:13-CV-00005
JUDGE JAMES L. GRAHAM
MAGISTRATE JUDGE KEMP

OPINION AND ORDER

On May 10, 2013, final judgment was entered dismissing the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter now is before the Court on Petitioner's May 30, 2013, request for a certificate of appealability. For the reasons that follow, Petitioner's request for a certificate of appealability, Doc. No. 15, is **DENIED**.

As his sole claim for federal habeas corpus relief, Petitioner asserts he was denied effective assistance of counsel. This Court, however, did not address the merits of this claim, instead dismissing this § 2254 petition as barred by the one-year statute of limitations. Where, as here, the Court dismisses a claim on procedural grounds, a certificate of appealability

should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.

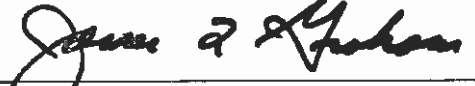
Slack v. McDaniel, 120 S.Ct. 1595 (2000). Thus, there are two components to determining whether a certificate of appealability should issue when a claim is dismissed on procedural grounds: one directed at the underlying constitutional claims and one directed at the district

court's procedural holding. The court may first resolve the issue whose answer is more apparent from the record and arguments. *Id.*

Petitioner has failed to establish that that reasonable jurists would debate whether the District Court was correct in its dismissal of this action as time-barred. Petitioner's request for a certificate of appealability, Doc. No. 15, therefore is **DENIED**.

IT IS SO ORDERED.

Date: June 6, 2013



JAMES L. GRAHAM
United States District Judge